IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4490 of 2007()

CR.NO.71/07 OF KANNAVAM POLICE STATION

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PETITIONERS/1ST ACCUSED

MUJEEB C.C., S/O. ABOOTTY,
SALESMAN, CHATHOTH HOUSE, KANNAVAM AMSOM,
THODIKKALAM DESOM, KANNAVAM P.O.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT & STATE

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1. THE SUB INSPECTOR OF POLICE,
KANNAVAM POLICE STATION.

2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4490 of 2007

Dated this the 25th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Section 498A I.P.C at the instance of the de facto complainant, his wife. She raised the allegations in a complaint filed by her before the learned Magistrate which was referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. The de facto complainant is shown to be aged about 19 years and the petitioner is alleged to be aged about 28 years. Their marriage took place on 7/1/2007. The marriage is already on doldrums. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations are raised vexatiously. There is unjustified exaggeration of allegations because of the strain in the matrimonial relationship.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances explained above that directions under Section 438 Cr.P.C can be issued in favour of the petitioner. More detailed reference to facts does not appear to be necessary.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 01/08/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 02/08/2007 and 03/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently he shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 01/08/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 01/08/2007.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007